

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STEPHAN WAYNE RICHARDSON,

Plaintiff,

v.

EL CERRITO POLICE DEPARTMENT,

Defendant.

Case No. 24-cv-06102-KAW

SECOND ORDER TO SHOW CAUSE

Re: Dkt. No. 10

On August 28, 2024, Plaintiff filed this civil action and application to proceed *in forma pauperis*. On September 6, 2024, the Court granted Plaintiff's application to proceed *in forma pauperis*. Pursuant to 28 U.S.C. § 1915(e)(2), the Court then screened Plaintiff's complaint and found it deficient, finding that Plaintiff's complaint was "insufficient to satisfy Section 1915 review" because Plaintiff provided no facts to support his claim that his civil rights were violated. (Dkt. No. 5 at 2.) The Court further noted that to the extent Plaintiff was relying on 18 U.S.C. § 3571 and 18 U.S.C. § 242, neither provision gave rise to civil liability. (*Id.*) The Court ordered Plaintiff to file an amended complaint that provided the legal and factual basis for all claims by October 11, 2024. (*Id.* at 3.) The Court warned that the failure to do so would result in the case being reassigned to a district judge with the recommendation that the case be dismissed. (*Id.*)

Plaintiff did not file an amended complaint. Instead, on September 30, 2024, Plaintiff filed "Document Title: Frivolous Defence [sic]," which stated that at an unknown time, "the representative of the account of Stephan Wayne Richardson was placed in hand cuffs taken to a detention facility." (Dkt. No. 8 at 1.) Plaintiff also stated that "the claimed party has falsified documents in the past to back claims of fraud." Plaintiff also stated that he "was beaten, tazed, adult napped, finger printed before court date, ridiculed by officers, mistreated, inflicted

depression, an[d] everything listed in master fee schedule[.]” (*Id.* at 2.)¹ Likewise, on November 5, 2024, Plaintiff filed a “Declaration on Damages,” which pertained to Plaintiff’s apparent detention between October 30-31, 2024, *after* this lawsuit was filed. (Dkt. No. 9.)


On November 19, 2024, the Court ordered Plaintiff to show cause why the case should not be dismissed for failure to prosecute by filing an amended complaint. (Dkt. No. 10.) The Court warned that failure to respond to the order to show cause and file the amended complaint by the deadline would result in the Court reassigning the case to a district judge with the recommendation that the case be dismissed. Plaintiff’s response was due by December 13, 2024.

To date, Plaintiff has not responded to the order to show cause or filed an amended complaint. Accordingly, the Court again orders Plaintiff to show cause, by **February 7, 2025**, why this case should not be dismissed for failure to prosecute and/or failure to comply with the Court’s orders by: (1) filing an amended complaint, and (2) explaining why Plaintiff failed to comply with the Court’s orders. Failure to comply **will** result in the Court reassigning the case to a district judge with the recommendation that the case be dismissed.

Again, Plaintiff may wish to contact the Federal Pro Bono Project’s Help Desk for assistance—a free service for pro se litigants—by calling (415) 782-8982 to make an appointment. Plaintiff may also wish to consult the manual the court has adopted to assist pro se litigants in presenting their case. This manual, and other free information for pro se litigants, is available online at: <https://cand.uscourts.gov/pro-se-litigants/>.

IT IS SO ORDERED.

Dated: January 10, 2025


KANDIS A. WESTMORE
United States Magistrate Judge

¹ The Court has previously explained that even if it was to consider this “Document Title: Frivolous Defence” to be an amended complaint, it fails to state a claim as it includes no specific information about the complained of events.